

## **REMARKS**

Applicant respectfully requests allowance of the subject application in view of the following remarks and the appended Section 132 affidavit.

Claims 1-37 are pending in the application, with claims 1, 11, 21, 31 and 35 being independent. Claims 2-7, 28 and 36-37 are amended or canceled.

### **Claim Objections**

Claims 2-7 are objected to because they depend on claim 0. The claims have been amended to correct the autoformatting error and the claims are now directed to independent claim 1 as presented in previous actions. Applicant respectfully requests that the objections to claims 2-7 be withdrawn.

Claims 36-37 are objected to because they recite “a computer-readable medium as recited in claim 34”. The claims have been amended and the claims are now directed to independent claim 35. Applicant respectfully requests that the objections to claims 36-37 be withdrawn.

### **Claim Rejections under §101**

Claims 11-20, 30 and 35 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of the application, Applicant has amended the specification as indicated above to remove the reference to “modulated data

signal”. Consequently, Applicant respectfully requests that the Office withdraw the claim rejections under §101.

**Claim Rejections under §102(a)**

Claims 1-3, 5-13, 15-23, 25-33 and 35 are rejected under 35 U.S.C §102(a) as being anticipated by the published document “Web Services Addressing (WS-Addressing) published on March 13, 2003 and authored by Bosworth et al. (Bosworth).

Bosworth is co-authored by seventeen people, including three people from BEA, seven people from IBM and seven people from Microsoft. Applicant’s representatives have executed a Section 132 affidavit stating that the claimed subject matter disclosed in Bosworth describes Applicant’s own work and the other co-authors from BEA and IBM (i.e., those individuals not listed as inventors on the Subject Application) were merely working under Applicant’s direction with respect to these portions of the reference. Section 715.01(c).I. of the MPEP states that “an affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C. §102(a) *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).”

Accordingly, Bosworth does not qualify as prior art against the subject application since it can be removed as a reference under MPEP 715.01(c).I.

Therefore, claims 1-3, 5-13, 15-23, 25-33 and 35 now stand allowable and the rejections under § 102(a) should be withdrawn.

**Claim Rejections under §103(a)**

Claims 4, 14, 24, 34, 36 and 37 are rejected under 35 U.S.C. §103(a) as being obvious over Bosworth in view of the published document “Web Services Coordination (WS-Coordination)” published September 2003 and authored by Cabrera et al. (hereinafter “Cabrera”).

Claims 4, 14, 24, 34, 36 and 37 are all dependent claims. As stated above, Bosworth is now removed as a cited reference. Therefore, independent claims 1, 11, 21, 31 and 35 are allowable as a result of their dependency on independent claims 1, 11, 21, 31 and 35, as well as for the additional features each recites.

In addition, Cabrera is co-authored by fourteen people, including two people from BEA Systems, four people from IBM and eight people from Microsoft. Applicant’s representatives have executed a Section 132 affidavit stating that the claimed subject matter disclosed in Cabrera describes Applicant’s own work and the other co-authors from BEA and IBM (i.e., those individuals not listed as inventors on the Subject Application) were merely working under Applicant’s direction with respect to the claimed subject matter. Section 715.01(c).I. of the MPEP states that “an affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C.

§102(a) *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).” Accordingly, Cabrera does not qualify as prior art against the subject application since it can be removed as a reference under MPEP 715.01(c).I. Therefore, claims 4, 14, 24, 34, 36 and 37 now stand allowable and the rejections under § 103(a) should be withdrawn.

### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office’s next anticipated action is to be anything other than issuance of a Notice of Allowability,

**Applicant respectfully requests a call to discuss any remaining issues.**

Respectfully Submitted,

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